

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2498.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. One Barrel Olive Oil. Decree of condemnation by consent. Goods released on bond.

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On January 15, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 54-gallon barrel of olive oil remaining unsold in the original unbroken package and in possession of A. Fuimara, Ninth and Fitzwater Streets, Philadelphia, Pa., alleging that the product had been shipped in interstate commerce from the State of New York into the State of Pennsylvania, on or about November 29, 1912, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "K. L.—Calamata—Olive Oil—Greece, N. Y."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength; and further, in that a certain substance, to wit, cottonseed oil, had been substituted wholly or in part for the product. Misbranding was alleged for the reason that the product, labeled and branded as set forth above, purported to be olive oil, whereas, on the contrary thereof, it was not olive oil, but was a mixture of olive oil and cottonseed oil.

On March 3, 1913, P. Mustakis & Co. (Inc.), New York, N. Y., the claimant shipper, having filed an answer admitting in part the averments of the libel, but denying any intention to violate the laws of the United States, and having consented thereto, a judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$112, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 7, 1913.*